

Senate bill would criminalize work slowdowns on US ports

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Following a series of slowdowns and other job actions by rank-and-file dockworkers on the West Coast, in opposition to a Biden-brokered “no strike” pledge, Senate Republicans have introduced a bill which would severely limit the right to strike on the ports.

The bill introduced by Senator Jim Risch (R-Idaho) known as the “Preventing Labor Union Slowdowns Act of 2023,” shortened as “PLUS Act of 2023,” was co-sponsored by Senators Rick Scott (R-Florida), Mike Crapo (R-Idaho) and Ted Budd (R-N.C.). It proposes an amendment to the National Labor Relations Act (NLRA) and the Labor Management Relations Act to classify work slowdowns at ports as an “unfair labor practice.”

The bill would entitle corporations to sue workers for restitution equal to twice the amount of the revenue loss caused by any labor action deemed a “slowdown.” Given that it has been widely reported that a strike on the West Coast could result in the loss of \$1 billion in economic activity a day, even a short work stoppage could quickly lead to billions in fines.

The language of the bill is extremely broad. It opens by amending a paragraph to the NLRA’s “Findings and declaration of policy” section to commit the US government to “eliminat[ing] the causes” of any disruptions to the ports, on the grounds that they pose a threat to the United States’ competitive standing in the global stage. It identifies as a threat to the “economic health of the United States” any actions “interfering with the free flow of domestic and international commerce.”

In addition to profit interests, the geopolitical considerations of US imperialism are also at stake. If the control of the docks is lost, the ruling class will find it impossible to move military equipment such as cruise

missiles and tanks to the front lines of the Ukraine war.

The bill would illegalize any action “to reduce [workers’] productivity or efficiency in the performance of any of their duties,” an extremely vague definition which could presumably include all strikes of any kind. In particular, it singles out any attempts to impede “modernization efforts.” The bill cites as an example refusing to service automated, crewless vessels, showing that the bill’s authors have in mind not just the present day opposition but those in future years and even decades.

This is a major assault on workers’ democratic rights, and if passed, would essentially criminalize strikes on the docks. What is more, it is only the latest in an ongoing bipartisan attack on the right to strike.

Earlier this month, the Supreme Court ruled that employers had standing to sue for financial compensation for economic losses incurred as a result of “damages” incurred as a result of a strike. That ruling was made by an 8 to 1 majority, in which the court’s right wing was joined by most of its nominal “liberal” wing.

Last December, the Democrats spearheaded a bipartisan vote in Congress to ban a strike on the railroads and impose a contract which workers rejected.

As of this writing, there has been no official response Democratic politicians to new bill. However, the issue of banning strikes is not a “partisan” issue as far as the two capitalist parties are concerned. The pursuit of war and defense of profits requires that such police-style discipline be imposed on workers.

The PLUS act is part of a worldwide assault on democratic rights, including the right to strike. Last November in Ontario, the Canadian Union of Public Employees (CUPE) called off the strike of 55,000 education workers, after the Canadian government

threatened to ban the strike using the anti-democratic “notwithstanding clause” in the Canadian Bill of Rights. In Britain, anti-strike legislation is moving swiftly through Parliament. In France, President Emmanuel Macron relied on the reactionary Constitutional Council to bypass a vote in Parliament and unilaterally impose his hated pension cuts, and has deployed riot police against mass protests against the move.

By keeping its 22,000 members at West Coast ports on the job nearly a year after their contract expired last July, the International Longshore and Warehouse Union bureaucracy has played the role of the enforcer, for not only the port operators, but the corporate political establishment including both parties. Except for a few short statements with no substantive information, workers have been kept in the dark on the progress of contract talks with the Pacific Maritime Association (PMA). Meanwhile, the Biden administration has been heavily involved in talks from the start.

On June 14, the ILWU and the PMA suddenly announced a tentative agreement, reached under the direct intervention of the Biden administration after a 72-hour self-imposed deadline. While the union has largely kept the specifics of the agreement confidential, a few elements have come to light, including wage and benefit proposal that fall far short of workers’ demands.

This has sparked outrage among port workers, and the union bureaucracy is in damage control mode. Shortly before the agreement was announced, one ILWU local president in San Diego threatened to blacklist dockworkers for speaking with WSWS reporters. The ratification process itself is being dragged out in order to bleed off momentum against the deal, with workers having to wait several weeks before they are able to vote on the contract.

There is a distinct possibility that the sellout contract could be rejected, as a similar deal was on the railroads last year. Moreover, the series of job actions have already had serious disrupted port operations and demonstrated that the bureaucracy’s ability to contain the rank-and-file is breaking down. Therefore, the ruling class is developing anti-strike laws to use against workers as the next line of defense.

What the ruling class fears the most is the prospect of

workers uniting their struggle with their brothers and sisters across national borders and across industries. To prevent this, it will continue to mobilize the state apparatus, in addition to the union bureaucracy. To oppose this, workers have to organize their independent strength and prepare for a fight not only against management, but the corrupt union bureaucracy and the violations of their democratic rights by the government.



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